



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: **ACTION:** Notice to Airmen (NOTAM) and
Obstruction Evaluation/Airport Airspace Evaluation
(OE/AAA) for Special Instrument Approach Procedures
(Specials)

Date: May 17 2004

**Reply to
Attn. of:**

From: Manager, Flight Technologies and Procedures Division,
AFS-400

To: Program Director, Aviation System Standards, AVN-1

We have been working with the Federal Aviation Administration's (FAA) Air Traffic organization for some time to address the following two issues concerning Specials that are approved by the Manager of the Flight Technologies and Procedures Division, AFS-400.

The first issue is the lack of Flight Data Center (FDC) NOTAM coverage for Specials. It has been the responsibility of All Weather Operations Program Managers (AWOPM) assigned to the respective Flight Standards Divisions of each FAA regional office to provide telephonic notification of Special changes/outages to effected operators. This manual, laborious process could take up to a week or more after the outage or change to a Special is reported. On February 19, 2004, the Program Director for Air Traffic Planning and Procedures, ATP-1, issued a General Notice (GENOT) N7930.2J/N7110.10R (attached) that implemented the addition of Specials into the United States NOTAM System by revising certain FAA directives.

The second issue is complying with a legal opinion from the FAAs Office of Chief Counsel (attached) requiring the agency to consider the effect of known or proposed construction or alteration on instrument procedures to private-use airports. This requirement was reiterated in an Action Memorandum dated July 22, 2002 (attached) signed by the Director of Flight Standards Service, AFS-1, and the Program Director of the Air Traffic Airspace Management, ATA-1. It is within the Administrator's discretion to require or not require notice of construction or alteration near private-use airports. Likewise, when the agency learned of such activities, it is within the Administrator's discretion to study or not study these cases at private-use airports with no instrument approaches. The FAAs Office of Chief Council has opined the Administrator has no such discretion at any landing area with an FAA approved instrument approach. Essentially, "one level of safety" must apply to any procedure approved by the FAA. We understand the next revision to Title 14 of the Code of Federal Regulation (14 CFR), Part 77 will reflect this change and require notice of construction or alteration near all landing areas. Also, change four to FAA Order 7400.2E, *Procedures for Handling Airspace Matters*, will include landing areas with Specials in the agency's OE/AAA program.

The residual implementation issues for the two initiatives outlined above are related and overlap in some areas. At a minimum, the agency's FDC NOTAM program requires that a valid landing area identifier for landing areas serviced by Specials be included in the agency's National Airspace System Requirements (NASR) database. Mr. Kevin P. Haggerty from Airspace and Rules Division, ATA-400, has indicated the assignment of a valid landing area identifier in the NASR database is fundamental for inclusion in the FAA's automated OE/AAA program.

Inclusions of valid landing area identifiers in the NASR also affect other FAA programs. For instance, a valid landing area identifier in the NASR is required for operators to file a complete instrument flight rules flight plan to that landing area in accordance with procedures set forth in the FAAs Aeronautical Information Manual. To implement the aforementioned GENOT concerning the issuance of FDC NOTAMS for Specials, and comply with the Legal Opinion from FAAs Chief Council concerning the study of known or proposed construction at private-use airports, the following procedures will be implemented as soon as practicable.

1. Flight Standards Service will cease approving Specials for landing areas without a valid identifier in the NASR. A valid identifier is one as described in the current revision of FAA Order 7350.7N, *Location Identifiers*, and/or included in the NASR database. The Regional Airspace Procedures Teams must confirm that this requirement has been met prior to forwarding any request for Specials. The National Flight Procedures Office (NFPO), AVN-100, will not process any request for a Special instrument procedure that does not have a valid location identifier.

2. Flight Standards Service intends to phase in FDC NOTAM coverage for all Specials as soon as practicable. This will require the U.S. NOTAM Office to add all locations with Special instrument procedures that are currently not in the NOTAM system. The responsibility for AWOPM specialists in the Flight Standards Divisions of each FAA regional office to provide telephonic notification of Special changes/outages to effected operators shall be phased out when the Special location is included in the U.S. NOTAM system as follows.

Situation A. If the Special is maintained by the FAA NFPO and the location is in the U.S. NOTAM system, then receipt of the change/outage of the Special and processing of the NOTAM by the NFPO will be similar to the procedures used for public, 14 CFR part 97 instrument approach procedures. When preparing the NOTAM for submission, include the word “Special” in parenthesis immediately following the city/state and prior to the procedure title (see example). The NFPO will notify the Regional AWOPM as soon as practicable.

EXAMPLE:

FDC X/XXXX PAJN FI/T JUNEAU INTERNATIONAL, JUNEAU, AK.
(SPECIAL) LDA-2 RWY 8 AMDT 9...
PROCEDURE TURN NA.

Situation B. If the Special is not maintained by the FAA NFPO but the location is in the U.S. NOTAM system, then the organization responsible for maintaining the procedure will notify the applicable AWO of the change/outage. The AWOPM will contact the NFPO with the appropriate information, who will initiate/cancel NOTAM action. If the AWOPM cannot be immediately contacted and the condition is critical to flight safety, the Regional Flight Procedures Office (FPO) or the NFPO will be contacted directly and provided adequate information to initiate immediate NOTAM action. The NFPO will notify the Regional AWOPM as soon as practicable.

NOTE: After duty hours, contact the standby NFPO representative at (405) 401-0490.

Situation C. If the Special is maintained by the FAA NFPO and the location is not in the U.S. NOTAM system, then the NFPO will notify the applicable AWOPM of the change/outage. The AWOPM will contact the user(s) of the procedure to disseminate appropriate action (e.g., NA the procedure, raise applicable minimums, etc.).

Situation D. If the Special not maintained by the FAA NFPO and the location is not in the U.S. NOTAM system, then the organization responsible for maintaining the procedure will notify the

applicable AWOPM of the change/outage. The AWOPM will contact the user(s) of the procedure to disseminate appropriate action (e.g., NA the procedure, raise applicable minimums, etc.).

Situations C and D will be phased out as soon as practicable when the location has been entered into the U.S. NOTAM system.

A listing of valid Specials is published at the following Air Traffic website:
http://www.faa.gov/ats/ata/ata100/afs400_SIAPS_webpage.pdf. AFS-400 will provide ATA-100 a monthly update to the list, including an indication of a valid landing area identifier included in the U.S. NOTAM system.

3. It has come to our attention that there sometimes is an inordinate delay in the Airport Safety and Operations Division, AAS-300, in processing FAA Form 5010, Establishment of New Landing Area. This step is required before ATA-100 can establish a valid landing area identifier in the NASR. The Flight Operations Branch, AFS-410, will discuss with AAS-300 the need to expedite the processing of this form. AFS-410 will also follow up with the Airspace and Rules Division, ATA-400, concerning the inclusion of Specials into the agency's OE/AAA program.

4. Please include procedures for Special FDC NOTAMs in the internal FDC NOTAM guidance required under Order 8260.19. We also request the opportunity to review the FDC NOTAM guidance when developed (see paragraph 223a).

The AFS-420 Memorandum of April 2, 1998, same subject, is cancelled. Some of processes outlined above will be incorporated into FAA Order 8260.19C, Flight Procedures and Space, during its next revision, as appropriate. This Memorandum is cancelled upon revision of that Order.

If you have any questions, please contact Donald Pate, AFS-420, at (405) 954-4164.

SIGNED By
Hank Cabler for

John W. McGraw

Attachments

Friday, February 27, 2004 12:12 AM File ***
C:\Lane\LMS\TEXT\GNOTLIST ***
Printed by Passport

AAT-1	ATT-1	ATX-100	ATA-400	ATF-200	ATR-300	ATX-420
ATA-1	AAT-20	ATA-100	ATP-100	ATP-282	ATX-100	ATX-500
ATB-1	AAT-30	ATA-200	ATP-120	ATP-300	ATX-300	ADA-203
ATP-1	ATA-10	ATA-300	ATP-130	ATR-100	ATX-400	AAT-200
ATR-1						

GG KDOMYFYX KCFCZDZX KIADXCLX PANCYAYX KFSAYXYX
270500 KRWAYAYX
KRWA NOUS2 270500
GENOT RWA 4/15 SVC B EFFECTIVE 2/26/04

GG ALRGNS 1/500/530 AMC/1/500 ACT/1 ALATFO

///PART 1 OF 3///

NOTICE: M7110.360 CANCELLATION: 2/18/05

SUBJECT: CHANGE TO ORDER N7930.2J NOTICES TO AIRMEN (NOTAM'S), AND
N7110.10R FLIGHT SERVICES. THIS GENOT REPLACES GENOT 4/14, N7110.359,
WHICH IMPLEMENTS THE ADDITION OF SPECIAL INSTRUMENT APPROACH
PROCEDURES (IAPS) INTO THE UNITED STATES NOTAM SYSTEM. THESE
SPECIAL APPROACHES ARE UNIQUE AND THE FAA AUTHORIZES ONLY CERTAIN
INDIVIDUAL PILOTS AND/OR PILOTS IN INDIVIDUAL ORGANIZATIONS TO USE
SPECIAL IAPS, AND MAY REQUIRE ADDITIONAL PILOT TRAINING AND/OR
AIRCRAFT EQUIPMENT. THESE SPECIAL FLIGHT DATA CENTER NOTAMS (FDC)
WILL BE ISSUED BY THE UNITED STATES NOTAM OFFICE, INDICATED BY THE
WORD SPECIAL IN PARAENTHESES AT THE START OF THE SECOND LINE OF
THE

///END PART 1 OF 3///

TX-8A1 ON Fri Feb 27 00:06:46 2004
C:\Lane\LMS\TEXT\SB15p2.401
QU ATLXRXA
DCAYAXD 02/27/04 00:06
GG KDOMYFYX KCFCZDZX KTADXCLX PANCYAYX KFSAYXYX
270500 KRWAYAYX
KRWA NOUS2 270500
GENOT RWA 4/15 SVC B EFFECTIVE 2/26/04

GG ALRGNS 1/500/530 AMC/1/500 ACT/1 ALATFO
///PART 2 OF 3///
FDC. FLIGHT SERVICE STATION SPECIALISTS WILL BRIEF THESE SPECIAL FDC
NOTAMS ONLY UPON REQUEST.
EXAMPLE:
! FDC X/XXX RIC FI/T RICHMOND INTL, RICHMOND, VIRGINIA
(SPECIAL)
TEST.

PLEASE ADD TO N7930.2J, CHAPTER 7. FDC NOTAM PROCEDURES,
PARAGRAPH
7-1-1.
FDC NOTAM CATEGORIES THE FOLLOWING...
a. INTERIM IFR FLIGHT PROCEDURES
/////END PART 2/////

Elapsed Time 000.09

TX-8A1 ON Fri Feb 27 00:11:53 2004
C:\Lane\LMS\TEXT\SB15p3.401
QU ATLXRXA
DCAYAXD 02/27/04 00:11
GG KDOMYFYX KCFCZDZX KTADXCLX PANCYAYX KFSAYXYX
270500 KRWAYAYX
KRWA NOUS2 270500
GENOT RWA 4/15 SVC B EFFECTIVE 2/26/04

GG ALRGNS 1/500/530 AMC/1/500 ACT/1 ALATFO
///PART 3 OF 3///

4. SPECIAL INSTRUMENT APPROACH PROCEDURE CHANGES
PLEASE ADD TO N7110.10R, CHAPTER 3, SECTION 2, PARAGRAPH 3-2-1b
FOLLOWS:

- (i) PROVIDE SPECIAL FDC INSTRUMENT APPROACH
PROCEDURE CHANGES

PLEASE DIRECT ANY QUESTIONS TO GARY BOBIK, ATP-320.4 AT 202-267-9754
CIRILLO, ATP-1
/////END PART 3/////

ELAPSED TIME 000.07

05 02270508



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: **INFORMATION:** Special Instrument Approach Procedures

Date: DEC 3 1999

**Reply to
Attn. of:**

From: Assistant Chief Counsel
For Litigation, AGC-400

To: Manager, Airspace and Rules
Division, ATA-400

This responds to your memorandum of October 18, 1998, relative to proposed construction near private-use airports having FAA design instrument approach procedures. Specifically you raise the question of whether the FAA must consider the effects of such proposed construction, and if so whether it would be preferable to mitigate any adverse effect by adjusting the approach procedure or, in the alternative, to issue a determination of Hazard to Air Navigation.

I understand that there currently are no notice requirements for construction or alteration proposals near private-use airports, and it is within the Administrator's discretion not to require such notice. Similarly, it is within the Administrator's discretion to decide that even where we learn of proposed construction or alteration at or near a private-use airport, we will not study the effect of it if the airport has no instrument approach procedures. However, it is my view that the Administrator has no such discretion if the proposed construction or alteration is at or near an airport that has an FAA designed instrument approach procedure.

Once we design the instrument approach procedure, whether or not it is published, we owe a duty of care to the persons who would use that procedure to ensure that the procedure provides the necessary margins of safety in instrument weather conditions. While it is true that Special Instrument Approach Procedures are not published in Part 97, nevertheless the use of a specially designed procedure is not restricted to the owner of the private-use airport and, accordingly, neither is the duty owed. Simply stated, once we design an instrument approach procedure, even a special procedure, we have a duty to protect the airspace necessary for the safe use of that procedure.

As for whether it would be preferable to adjust a procedure to mitigate the potential hazard created by the proposed construction, or to simply advise the construction proponent that the proposed construction would pose a hazard to air navigation, there is no clear cut answer. I believe that the safer course of action would be to issue a hazard determination, so advise the construction proponent, and then monitor the situation to see what modifications, if any, the proponent makes. The alternative of

adjusting the approach procedure, while it may ultimately become necessary, is less desirable because potential users of the procedure would only know of the adjustments if they were informed by the owner of the private-use airport. Since users other than the owner of the private-use airport would only know of the procedure itself if they were told of it by the airport owner, it is perhaps reasonable to assume that same owner would also inform them of the adjustments.

In any case, whether we opt to make adjustments in response to the proposed construction, or only after a hazard determination does not result in a modification of the construction proposal, our only duty would be to notify the owner of the private-use airport, and it would be his or her responsibility to pass the information along to any third party users of the approach procedure.

In summary then, it is my recommendation that we consider the effect of known proposed construction or alteration on instrument approach procedures to private-use airports, and that we issue determinations of hazard when the results of our aeronautical study so indicate.



James S. Dillman



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: **ACTION:** Application of Obstruction
Evaluation Standards to Private Use
Airports with FAA Approved Approaches

Date: JUL 22 2002

**Reply to
Attn. of:**

From: Program Director for Air Traffic
Airspace Management, ATA-1;
Director, Flight Standards Service
AFS-1

To: See Distribution List

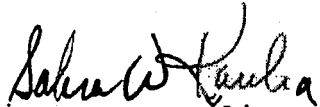
At the request of Flight Technologies and Procedures Division (AFS-400), the Office of the Chief Counsel (AGC) issued the attached interpretation concerning the Federal Aviation Administration's (FAA) responsibility of applying Title 14 Code of Federal Regulations (14 CFR) part 77 obstruction evaluation standards for private use airports. Specifically, AGC was asked whether the FAA must consider the effects to the navigable airspace of proposed construction near private use airports that have special instrument approach procedures.

In part, it is the interpretation of AGC that the FAA is responsible to ensure that the necessary margin of safety in instrument weather conditions is provided. If the FAA approves and approach, we have a duty to protect the airspace necessary for the safe use of that procedure.

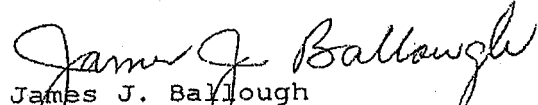
Currently, 14 CFR part 77 addresses notice criteria for public-use and not private-use airports. Though the FAA is considering rulemaking action to amend the notice criteria, there is now no regulatory requirements for sponsors of construction near private-use airports with instrument approach procedures to notify the FAA. Notwithstanding, if the FAA has knowledge of proposed construction or alteration that may affect an instrument procedure at a private-use airport, the FAA should consider this information in the aeronautical study to determine the effect to the approach.

Therefore, this is to reiterate that when the FAA has received notice of a proposed construction or alteration that may affect an instrument to a private-use airport, the approach must be considered in the aeronautical study. Please note that the same guidelines currently used to determine whether an obstruction is a hazard should be applied. This will be reflected in a future change to Federal Aviation Administration Order 7400.2, Procedures for Handling Airspace Matter.

If you have any questions regarding this matter, please contact Mr. Reginald C. Matthews, Manager, Airspace and Rules Division, ATA-400, at (202) 267-8783.


Sabra W. Kaulia

Attachment


James J. Ballough